

A regular meeting of the Town Board of the Town of New Windsor, in the County of Orange, New York, was held at the Town Hall, 555 Union Avenue, in said Town, on the 6th day of December, 2006.

PRESENT:

Hon. George A. Green, Supervisor
John Finnegan, Councilperson
Sue Weyant, Councilperson
Patricia Mullarkey, Councilperson
Alice Biasotti, Councilperson

-----X

In the Matter

of the

**Establishment of Extension No. 2 to Sewer District No. 17
(Covington Estates) in the Town of New Windsor, in the
County of Orange, New York, pursuant to Article 12-A
of the Town Law**

FINAL ORDER ESTABLISHING EXTENSION

Recitals

WHEREAS, it has recently come to the attention of the Town Board of the Town of New Windsor (herein called "Town Board" and "Town", respectively), in the County of Orange, New York that tax parcels 65-2-1.1, 65-2-1.2, 65-2-1.3, 65-2-2, 65-2-3 and 65-2-4 have been inadvertently excluded from the district boundaries of Sewer District No. 17 and have been paying sewer district taxes without the benefit of being included within an existing sewer district; and

WHEREAS, the Town Board has heretofore duly caused McGoeys, Hauser and Edsall Consulting Engineers, P.C., competent engineers duly licensed by the State of

New York, to prepare a map, plan and report for the proposed establishment of Extension No. 2 to Sewer District No. 17 (the "Extension"), in the Town, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the Extension may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by such Extension; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly processed negative declaration and/or other applicable documentation has been filed in the office of the Town Clerk; and

WHEREAS, the maximum amount proposed to be expended for the construction of the Sewer Improvement is estimated to be \$0.00; and the expense of the maintenance of the Extension shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the Extension which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of the benefit which the improvement shall confer upon the same; and

WHEREAS, pursuant to the Orders duly adopted on September 6, 2006, and October 4, 2006, the Town Board determined to proceed with the proposed

establishment of the Extension and adopted said Orders reciting a description of the boundaries of the Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance, the services proposed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the establishment of the Extension, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of the Town Law; and

WHEREAS, a Public Hearing on the matter was duly held by said Town Board on the 4th day of October, 2006, commencing at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 555 Union Avenue, in said Town, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed Extension;

WHEREAS, the Town approved the establishment of the Extension by resolution adopted on October 4, 2006; and

WHEREAS, said resolution adopted on October 4, 2006, was subject to permissive referendum and the notice setting forth the date of adoption of said resolution, which concisely stated the purpose and effect thereof, was duly posted and published as required by law, and no petition signed and acknowledged by the electors of the Town for their approval or disapproval has been filed with the Town Clerk within thirty days after the date of adoption thereof, or at any other time since said adoption;

Now, therefore, upon the evidence adduced at such Public Hearing, be it
**RESOLVED BY THE TOWN BOARD OF THE TOWN OF NEW
WINDSOR, IN THE COUNTY OF ORANGE, NEW YORK, AS FOLLOWS:**

Section 1. It is hereby determined that:

- (a) the Notice of Public Hearing was published, posted and filed as required by Law, and it is otherwise sufficient;**
- (b) all the property and property owners included within the proposed Extension hereinabove referred to in the recitals hereof are benefitted thereby;**
- (c) all the property and property owners benefitted are included within the limits of the proposed extension; and**
- (d) it is in the public interest to establish the Extension.**

Section 2. The establishment of the Extension is hereby approved, as hereinafter described, and said Extension shall be designated and known as Extension No. 2 to Sewer District No. 17, in the Town of New Windsor, and shall be bounded and described as follows:

BEGINNING at a point at the northwesterly corner of tax parcel 65-2-1.3, also being the easterly boundary of the New York State Thruway and the southerly boundary of Sewer District #17;

THENCE traveling in a southerly direction along the common boundary with tax lot 65-2-1.3 and the westerly boundary of the New York State Thruway to the southwest corner of tax parcel 65-2-1.3;

THENCE traveling in an easterly direction along the southerly boundary of tax parcel 65-2-1.3 with its common boundary with sewer district #14 and the northerly boundary of tax parcel 68-1-7.1, 68-1-2 and 68-1-1 to the westerly right-of-way line of New York State Route 300 (Temple Hill Road);

THENCE in a southerly direction along the westerly right-of-way line of New York State Route 300 (Temple Hill Road) and the common boundary with tax parcel 68-1-1 to the intersection of Mertes Lane and the westerly right-of-way line of New York State Route 300 (Temple Hill Road) also the southeasterly corner of tax parcel 68-1-1;

THENCE in a southerly direction along the westerly right-of-way line of New York State Route 300 (Temple Hill Road) and crossing the right-of-way of Mertes Lane in a southerly direction to the southerly right-of-way line of Mertes Lane and the northeasterly corner of tax parcel 68-2-8.1, n/f the New York Central Lines;

THENCE crossing the right-of-way of New York State Route 300 (Temple Hill Road) in a northerly direction to the easterly right-of-way line of New York State Route 300 (Temple Hill Road) to the southerly corner of tax parcel 65-2-1.2 and the southwesterly corner of tax parcel 65-2-4;

THENCE running in a southerly direction along the common boundary with Sewer District #14 and the easterly right-of-way line of New York State Route 300 (Temple Hill Road) and the southerly boundary of tax parcel 65-2-4 to the southeasterly corner of tax parcel 65-2-4, also the intersection of Old Temple Hill Road and New York State Route 300 (Temple Hill Road);

THENCE in an easterly direction along the common boundary with Sewer District #17 the easterly boundary of tax parcel 65-2-4 and the westerly boundary of tax parcels 71-1-64 and 71-1-52 to a point along the easterly boundary of tax parcel 65-2-4;

THENCE continuing along the easterly boundary of tax parcel 65-2-4 in a northerly direction, also the common boundary with Sewer District #10 and the westerly boundary of tax parcels 71-1-53, 54, 55, 56, 57, 58, 59, 60, 61 & 62 to the southerly right-of-way line of Old Forge Hill Road;

THENCE in a westerly direction along the southerly right-of-way line of Old Forge Hill Road and the northerly boundary of tax parcel 65-2-4 to the northeasterly corner of tax parcel 65-2-1.2;

THENCE crossing the right-of-way of Old Forge Hill Road in a northerly direction to the northerly right-of-way line of Old Forge Hill road to the southernmost corner of tax parcel 65-2-3;

THENCE traveling in a northerly direction along the easterly boundary line of tax parcel 65-2-3 and the westerly boundary of tax parcel 65-2-4 also the boundary of Sewer District #11A to the most easterly corner of tax parcel 65-2-3;

THENCE traveling along the northerly boundary of tax parcel 65-2-3 and the common boundary or southerly boundary of tax parcel section 82, block 1, commonly

referred to as Continental Manor and the boundary of Sewer District #11A, to the easterly right-of-way line of Old Forge Hill Road;

THENCE crossing the right-of-way of Old Forge Hill Road in a westerly direction to the westerly right-of-way line where same intersects with the easterly boundary of tax parcel 65-2-1.1;

THENCE traveling in a northerly direction along the easterly boundary of tax parcel 65-2-1.1 and the westerly right-of-way line of Old Forge Hill Road and the common boundary of Sewer District #11A to the intersection of Old Forge Hill Road and New York State Route 300 (Temple Hill Road);

THENCE in a northerly direction along the easterly right-of-way line of New York State Route 300 (Temple Hill Road) with its common boundary, Sewer District 11A and the westerly boundary of tax parcel 35-1-65 to the northwesterly corner of tax parcel 35-1-65;

THENCE crossing the right-of-way of New York State Route 300 (Temple Hill Road) in a westerly direction to the westerly right-of-way line of New York State Route 300 (Temple Hill Road) to the northeasterly corner of tax parcel 65-2-2 and the southeasterly corner of tax parcel 35-1-104;

THENCE in a westerly direction along the northerly boundary of tax parcel 65-2-2 and the southerly boundary of Sewer District #17, as well as the southerly boundary of tax parcel 35-1-104 to a point at the northwesterly corner of tax parcel 65-2-2;

THENCE in a westerly direction along the northerly boundary of tax parcel 65-2-1.3 and the southerly boundary of Sewer District #17, as well as the southerly boundary of tax parcel 35-1-104 to the northwesterly corner of 65-2-1.3, also the point or place of beginning.

NOTE: TAX MAP INFORMATION TAKEN FROM ORANGE COUNTY TAX MAPS LAST REVISED:

SECTION 65 – 3/22/06

SECTION 68 – 12/15/05

Section 3. The maximum amount proposed to be expended for the construction of the Sewer Improvement is estimated to be \$0.00; and the expense of the maintenance of the Extension shall be shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the Extension which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of the benefit which the improvement shall confer upon the same; and

Section 4. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said Final Order Establishing Extension to cause to be recorded in the office of the County Clerk in the County of Orange and filed in the office of the State Department of Audit and Control a copy of this Final Order to establish the Extension.

Section 5. This Final Order Establishing Extension shall be effective immediately.

DATED: December 6, 2006

TOWN BOARD OF THE TOWN OF NEW WINDSOR

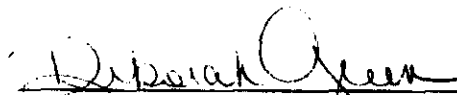
DEBORAH GREEN, TOWN CLERK

STATE OF NEW YORK)
 :SS:
COUNTY OF ORANGE)

I, Deborah Green, Town Clerk of the Town of New Windsor, in the County of Orange, New York, DO HEREBY CERTIFY that I have compared the preceding Final Order Establishing Extension with the original thereof filed in my office on the 6th day of December, 2006, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
corporate seal of said Town on this 11th day of
December, 2006.

(SEAL)



Town Clerk

STATE OF NEW YORK)
 :SS:
COUNTY OF ORANGE)

Deborah Green, being duly sworn, deposes and says:

That she is now and at all times hereinafter mentioned has been the duly elected, qualified and acting Town Clerk of the Town of New Windsor, in the County of Orange, New York;

That on the 1st day of December, 2006, on behalf of the Town Board of said Town, she caused a certified copy of a Final Order Establishing Extension, dated December 6, 2006, a certified copy of which is annexed hereto and made a part hereof, for the establishment of Extension No. 2 to Sewer District No. 17, in the Town of New Windsor, a proceeding entitled:

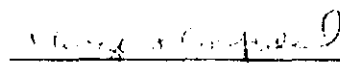
"In the Matter of the Establishment of Extension No. 2 to Sewer District No. 17, in the Town of New Windsor, County of Orange, New York, pursuant to Article 12-A of the Town Law."

to be recorded in the office of the County Clerk of the County of Orange, New York, which Final Order Establishing Extension has been adopted by said Town Board at a meeting held December 6, 2006, and that said filing was done either personally or by mail in accordance with the provisions of the Town Law, constituting Chapter 64 of the Consolidated Laws of the State of New York.



Town Clerk

Subscribed and sworn to before me
this 11 day of December, 2006.



Notary Public, State of New York

CHERYL J. CANFIELD
Notary Public, State of New York
County of Orange
Commission Expires April 22, 2007

507499.1 001098 RES

STATE OF NEW YORK)
 :SS:
COUNTY OF ORANGE)

Deborah Green, being duly sworn, deposes and says:

That she is now and at all times hereinafter mentioned has been the duly elected, qualified and acting Town Clerk of the Town of New Windsor, in the County of Orange, New York;


That on the 6th day of December, 2006, on behalf of the Town Board of said Town, she caused a certified copy of a Final Order Establishing Extension, dated December 6, 2006, a certified copy of which is annexed hereto and made a part hereof, for the establishment of Extension No. 2 to Sewer District No. 17, in the Town of New Windsor, a proceeding entitled:

"In the Matter of the Establishment of Extension No. 2 to Sewer District No. 17, in the Town of New Windsor, County of Orange, New York, pursuant to Article 12-A of the Town Law."

to be filed in the office of the State Department of Audit and Control in Albany, New York, which Final Order Establishing Extension has been adopted by said Town Board at a meeting held December 6, 2006, and that said filing was done either personally or by mail in accordance with the provisions of the Town Law, constituting Chapter 64 of the Consolidated Laws of the State of New York.


Town Clerk

Subscribed and sworn to before me
this 11 day of December, 2006.


Notary Public, State of New York

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
#01040376319
Commission Expires April 22, 2010

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
#01040376319
Commission Expires April 22, 2010